



THE PUBLIC INTEREST LAW OFFICE OF THE LOS ANGELES COUNTY AND BEVERLY HILLS BAR ASSOCIATIONS
The Southern California Affiliate of The Lawyers' Committee for Civil Rights Under Law

March 20, 2018

Honorable Mike McGuire
Chair, Senate Governance and Finance Committee
California State Capitol, Room 408
Sacramento, CA 95814
Fax: 916-322-0298

Sent via Fax & Email

Re: SB 946 (Lara) -- Support

Dear Chair McGuire and committee members:

On behalf of Public Counsel, I am writing to express our strong support for SB 946 (Lara) to protect workers and immigrant communities and enhance economic opportunity in California.

Public Counsel is the nation's largest pro-bono law firm. Our Community Development Project maintains a specific focus on building the capacity of community-based organizations and low-income entrepreneurs to promote inclusive economic development. In this capacity, we have worked very closely with sidewalk vendors throughout the Southern California region, and we are proud members of the LA Street Vendor Campaign – a coalition of vendors and organizations working to advance entrepreneurship and protect vendors' rights.

Across California, tens of thousands of people work as sidewalk vendors - selling delicious food and offering sought-after merchandise on public sidewalks and in public parks. For many Californians, including many immigrant families excluded from other opportunities in the formal economy, sidewalk vending offers a chance to start and grow a business. Safe, regulated sidewalk vending is also an integral part of the fabric of our communities. Studies have demonstrated that sidewalk vending generates millions in local and state tax revenue as vendors buy supplies from local businesses and circulate money in communities that are often ignored by mainstream capital. In many food desert communities, fruit and vegetable vendors are the only source of healthy food retail available. Vendors activate commercial corridors, increase pedestrian foot traffic and provide eyes on the street to make neighborhoods safer and more dynamic.

Yet, despite the immense value to our communities, sidewalk vending is unfairly criminalized in cities and counties across California. Some jurisdictions impose an outright prohibition on sidewalk vending, while others impose onerous restrictions that severely limit vending and force workers into the informal economy. As a result, many sidewalk vendors face a harrowing catch-22: permits are impossible to obtain, but vending without a permit is prosecuted as a crime – often a misdemeanor. As a result, hardworking entrepreneurs who provide necessary goods are treated as criminals.

The criminalization of sidewalk vending has significant and devastating consequences, especially in immigrant communities. Vendors charged with a misdemeanor can face penalties of six months in jail and \$1,000 in fines, as well as the potential seizure of personal property. One misdemeanor charge can have devastating effects on entire families that rely on the vendor's income to pay rent and put food on the table. These entrepreneurs are also discouraged from investing in their own business as the confiscation of their property and court fines often wipe out any capital they may accumulate. Some immigrant vendors face the risk of being transferred to, or picked up by federal immigration officials after being released from custody. Moreover, some vendors may be at heightened risk for deportation even if they are not ultimately charged or convicted.

These risks are not merely hypothetical. Right now, a vendor and mother of five in Southern California sits in a detention center, separated from her family and facing the possibility of deportation. This situation stems directly from a simple sidewalk vending citation.¹ It is clear that federal immigration enforcement practices are currently threatening to tear immigrant families apart, and local policies that prohibit and criminalize sidewalk vending are enabling and exacerbating these risks.

SB 946 is a timely and necessary response to this injustice. SB 946 decriminalizes sidewalk vending, while allowing local jurisdictions to continue to enforce vending rules through non-criminal administrative fines and procedures. SB 946 also encourages local jurisdictions to adopt local sidewalk vending permitting regulations that will protect public safety while promoting entrepreneurship and economic mobility. By encouraging local jurisdictions to support and properly regulate sidewalk vending, SB 946 will help protect California's low-income immigrants and workers, promote safe and regulated vending, and create new opportunity for entrepreneurship and economic mobility throughout the state.

Thank you for your consideration of these comments. We urge you to support SB 946.

Sincerely,



Doug Smith
Staff Attorney



Katie McKeon
Sullivan & Cromwell Fellow

CC:

Senator Janet Nguyen, Vice Chair
Senator Jim Beall
Senator Ed Hernandez
Senator Robert M. Hertzberg
Senator Ricardo Lara
Senator John M. W. Moorlach

¹ Liset Marquez, "Street vendor facing deportation after Rancho Cucamonga arrest," Daily Bulletin, October 23, 2017.
<https://www.dailybulletin.com/2017/10/23/street-vendor-facing-deportation-after-rancho-cucamonga-arrest/>